IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Rodric FAN, et al.		
Assignee:	GenX Mobile Corporation		
Title:	AUTONOMOUS MOBILE ELECTRONIC MAIL SYSTEM		
Application No.:	**10/771,605**	Filing Date:	February 3, 2004
Examiner:	**Eugene Yun**	**Group Art Unit:**	**2618**
Docket No.:	GENX16547 US	Confirmation No.:	3431

March 23, 2010

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR PRE-APPEAL-BRIEF REVIEW

Dear Sir:

In response to the Final Office Action having a mailing date of November 23, 2009 ("the Office Action"), Applicants hereby submit this Pre-Appeal Brief Request for Review, along with a one-month extension of time and a Notice of Appeal. No claim amendments are submitted.

Prior to the Final Office Action dated November 23, 2009, Applicants had filed a Response to Office Action on July 24, 2009 ("the last Response"). Although numerous arguments were presented in the last Response, a vast majority of them were not addressed in the Office Action. In fact, most of the rejections in the Office Action look substantially similar to the rejections in the previous Office Action. Given that the same rejections were issued without considering the arguments presented in the last Response, Applicant believes the rejections in the Office Action to be improper for being nonresponsive.

REMARKS

Claims 1-33, 35, and 36 were pending in the application when last examined, all of which stand rejected.

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Claim Rejections – 35 USC §103

Claims 1-33, 35, and 36 are rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,219,694 to Lazaridis ("Lazaridis") in view of U.S. Patent No. 7,366,522 to Thomas ("Thomas"). The Office Action acknowledges that Lazaridis does not teach a user interface unit that generates and transmits a command for configuring a report (See the Office Action, page 2). The Office Action also acknowledges that Lazaridis fails to disclose a mobile unit that automatically generates a report according to the command, formats the report, and transmits the report to the user interface unit. However, the Office Action states that Thomas teaches these elements that Lazaridis fails to teach (See the Office Action, page 2). In the section titled "Response to Arguments" starting on page 9 of the Office Action, the Examiner further elaborates on this rejection by stating the following:

> Looking at col. 3, lines 54-60 of the Thomas reference, a determination is made whether the location information gathered is greater than the previous location by a delta amount. Since this information is constantly varying, it is obvious that is information is being configured and reconfigured. Therefore, since the claims do not rule out the information and command relation to location information, the cited passage in the Thomas reference teaches a "configuration command"....

Claim 1 is patentable over Lazaridis and Thomas because it recites "a user interface unit that generates and transmits a configuration command for configuring a report" and "a mobile unit [that] generate[s] a report according to the configuration command...." As described in the Application, for example at page 7, lines 28 – page 8, line 3, commands generated by the stationary unit may be used to trigger mobile units to reconfigure the status reports it generates, for example to include different data, change the timing of status report generations and transmissions, or set reference values. The mobile unit reconfigures its reports according to the commands. More examples of the configuration command are provided at page 12, lines 22-27 of the Application.

Thomas' col. 3, lines 54-60, which the Office Action cites as teaching the above limitation, describes the operations of a mobile unit104 but says nothing about the mobile unit 104 generating a report according to a configuration command that is generated by a user interface unit. It simply describes how the mobile unit determines whether the current location is greater than the previous location by more than a delta amount and sends the selected information to the location monitoring server. First, comparing two predefined values and

selecting one does not amount to "configuring" a report. The Merriam Webster Dictionary (50th Edition) defines the word "configure" as "to set up for operation esp. in a particular way." Comparing two values and selecting one is merely filling the values of a report, not setting up a report for operation, for example by choosing the types of data to be included, setting reference values, etc. Hence, there is no "configuration command for configuring a report" in Thomas.

Second, even if it were the case that Thomas' mobile unit somehow reconfigured a report, there is no indication that this reconfiguration is done "according to the configuration command" which is generated by a user interface unit. In fact, the Office Actions fails to even point out which unit in Thomas corresponds to the "user interface unit." Thomas fails to disclose "a user interface unit that generates... a configuration command" and "a mobile unit [that] ... generate[s] a report according to the configuration command."

Claims 2-14 depend from Claim 1 and are thus patentable over Lazaridis and Thomas for the same reasons as Claim 1.

Claim 9 is patentable over Lazaridis and Thomas because it recites that "the report format is changeable through the user interface unit." Although the Office Action cites to Thomas' col. 6, lines 29-30 as disclosing this element, this section discusses initiating notifications based on the location of the mobile unit and says nothing about changing the report format. This was pointed out in the last Response but not addressed in the Office Action.

Claim 10 is patentable over Lazaridis and Thomas because it recites that "the mobile unit reconfigures the report according to the command received from the user interface unit." Although the Office Action cites to Lazaridis' col. 6, lines 7-20, the cited section says nothing about the mobile unit reconfiguring the report according to the command received from the user interface unit. Rather, the cited section talks about redirecting certain message attachments to external machines if the mobile device cannot receive and process the attachments. There is no mention of the mobile device reconfiguring a report.

As for Claim 12, it recites that the system of the invention includes peripheral data that includes "at least one of landmarks, maps, speed limits, and traffic light locations for the mobile unit to use as a positional reference in the report...." Although the Office Action rejected Claim 12 citing to Thomas' col. 4, lines 57-60, this cited section says nothing about "landmarks, maps, speed limits, and traffic light locations." This was pointed out in the last Response but not addressed in the Office Action.

Claims 13 and 14 are patentable over Lazaridis and Thomas because they recite that "the mobile unit adds landmarks to the database for use in the report" and "the user interface unit transmits one or more landmarks to the mobile unit for use as a positional reference in the report," respectively. While the Office Action cites to Thomas' col. 4, lines 52-60 as disclosing these limitations, the cited section fails to mention any use of landmarks by the mobile unit. This was pointed out in the last Response but not addressed in the Office Action.

Independent Claim 15 is patentable over Lazaridis and Thomas because it recites "A mobile communication device comprising … a processor … for generating a report incorporating the physical status according to an external configuration command." As explained above in reference to Claim 1, neither Lazaridis nor Thomas teaches a mobile device that generates a report according to an external configuration command. Although the Office Action points to Lazaridis' col. 13, lines 6-19 as disclosing this limitation, this section only mentions that a user can generate a command message that will start redirection. In reply to this command message, the mobile device <u>redirects</u> messages. However, the mobile unit does not <u>generate</u> a report incorporating the physical status as recited in Claim 15.

Claims 16-19 depend from Claim 15 and are thus patentable over Lazaridis and Thomas for at least the same reason as Claim 15.

Further, Claim 18 is patentable over Lazaridis and Thomas because it recites "a database for storing maps, traffic light locations, and landmarks for use as a positional reference in the location of the mobile unit." Although the Office Action cites to Thomas' col. 4, lines 52-60 as disclosing this limitation, the cited section says nothing about using any kind of landmarks as a positional reference. This was pointed out in the last Response but not addressed in the Office Action.

Independent Claim 20 is patentable over Lazaridis and Thomas because it recites "remotely receiving a command about configurations for a report" and "preparing a report in accordance with the configurations in the command…." The Office Action cites to Thomas' col. 3, lines 51-54 as teaching this limitation. However, as explained above in reference to Claim 1, this cited section fails to mention anything about configuring a report or preparing a report in accordance with configurations in the command that was remotely received.

Claims 21-33 depend from Claim 20 and are thus patentable over Lazaridis and Thomas for at least the same reason as Claim 20.

Further, Claim 26 is patentable over Lazaridis and Thomas also because it recites "reconfiguring the report in response to a command ... received in an e-mail format." This rejection is made over Thomas' col. 3, lines 60-64. However, this cited section only mentions the mobile unit sending the current location to the location monitoring server by email, and says nothing about receiving a "command" in an e-mail format.

Independent Claims 35 and 36 are patentable over Lazaridis and Thomas because they recite "receiving a configuration command" and "preparing a report ... [that] includes data requested in the configuration command...." The Office Action again cites to Thomas' col. 3, lines 51-54 as disclosing these limitations. However, the cited section in Thomas says nothing about receiving a _configuration_ command, as explained above in reference to Claim 1. Furthermore, the cited section in Thomas says nothing about preparing a report that includes data requested in the configuration command, since there is no configuration command disclosed.

Conclusion

Based on the foregoing, Claims 1-33, 35, and 36 are now in condition for allowance.

The Director is hereby authorized to charge any deficiency in fees, or credit any overpayment, to Deposit Account No. 50-2257. Please telephone the undersigned attorney at (408) 331-1672 if there are any questions.

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